

FILED & ENTERED

JAN 20 2016

CLERK U.S. BANKRUPTCY COURT
Central District of California
BY bakchell DEPUTY CLERK

ORDER NOT FOR PUBLICATION

UNITED STATES BANKRUPTCY COURT

CENTRAL DISTRICT OF CALIFORNIA

LOS ANGELES DIVISION

In re:

PETER JAMES EICHLER, JR.,

Debtor.

Case No. 2:13-bk-39626-RK

Chapter 7

Adv. No. 2:14-ap-01547-RK

ALBERTA P. STAHL,
Chapter 7 Trustee,

Plaintiff.

**ORDER DENYING DEFENDANT'S
MOTION TO STRIKE AND DISMISS
ALETHEIA AND ALETHEIA RELATED
CLAIMS, AND MOTION TO STRIKE
AND DISMISS INAPPROPRIATE USE
OF EICHLER CONSENT**

vs.

PETER JAMES EICHLER, JR.,

Defendant.

DATE: January 26, 2016
TIME: 3:00 p.m.
PLACE: Courtroom 1675
255 East Temple Street
Los Angeles, CA 90012

Pending before the court is the motion of Defendant Peter James Eichler, Jr. ("Defendant") to strike and dismiss Aletheia and Aletheia related claims, and motion to strike and dismiss inappropriate use of Eichler consent ("Motion"). ECF 57. The Motion was noticed for hearing on December 17, 2015 at 3:30 p.m. and continued to January 26, 2016 at 3:00 p.m.

1 Having considered the Motion, for the reasons stated herein, the court determines
2 that oral argument on the Motion is unnecessary, dispenses with oral argument, takes the
3 Motion under submission, vacates the continued hearing on the Motion on January 26,
4 2016 at 3:00 p.m., and rules as follows.

5 Local Bankruptcy Rule 9013-1(d)(1) requires the Motion and notice thereof to be
6 served upon the adverse party. Further, Local Bankruptcy Rule 9013-1(d)(2) requires
7 that the Motion and notice thereof be filed and served not later than 21 days before the
8 hearing date. Moreover, Local Bankruptcy Rule 9013-1(e) requires that the Motion be
9 accompanied by a proof of service.

10 The court determines that the Motion fails to comply with the three previously
11 mentioned local bankruptcy rules; that is, there is no record of a notice of the Motion
12 being served upon Trustee, Alberta P. Stahl; the Motion was filed on November 30, 2015,
13 which was not 21 days before the December 17, 2015 hearing; and finally, the Motion is
14 not accompanied by a proof of service.

15 For the reasons stated above, IT IS HEREBY ORDERED that the Motion is denied
16 without prejudice and that the further hearing on January 26, 2016 at 3:00 p.m. is
17 vacated. No appearances are required on January 26, 2016.

18 IT IS SO ORDERED.

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23 Date: January 20, 2016



24 Robert Kwan
25 United States Bankruptcy Judge
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